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4 UNITED STATES BANKRUPTCY COURT
5 DISTRICT OF NEVADA
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7 In re: WILLIAM A. GAYLER

Case No. BK: S-09-31603-MKN

8 Adv. #: 11-01027-MKN

9 Chapter: 7

10
11 Debtor(s)

12 MOTION TO FILE ON PAPER

13 *This motion must be accompanied by a supporting affidavit or declaration and a proposed order.*

14 I. Movant William A. Gayler (name) hereby declares an exemption or requests
15 permission to file documents on paper because:

16 ☐ a. Movant is not a regular filer as the term is defined in LR 5005(a)(1).

17 ☐ b. Movant claims an exemption under LR 5005(a)(4) because (state why):
18 _____
19 _____
20 _____

21 ☒ c. Exceptional circumstances exist pursuant to LR 5005(a)(5) which prevent filing by
22 electronic means because:

23 ☐ (1). Movant's Internet service is not available due to circumstances that
24 cannot be prevented.

25 (i). Describe the nature and extent of the circumstances that have made
26 the Internet service unavailable (be specific):
27 _____
28 _____

(ii). Describe what steps will be taken to ensure that the Internet service will be operable for electronic filing in the future:

☒ (2). Other grounds exist for the exceptional circumstances motion (*be specific*):

The underlying Motion was received and filed in open court during trial with the Honorable Judge Thurman on August 22, 2012. Oral argument proceeded immediately thereafter.

☐ (3). Movant has filed a prior exceptional circumstances motion.

(i). Number of prior motion(s): _____.

(ii). Date of the prior motion(s): _____.

(iii). Reason for the prior motion(s): _____.

(iv). Case number and disposition for each prior motion: _____.

2. The document(s) that the movant wants to file on paper are (*list title of each document*):

Motion for Judgment on Partial Findings [Doc. 139].

Based upon the foregoing, the movant asks the court to grant this motion.


Movant's signature *NV Bar # 11829*
Matthew T. Kneeland, Esq.
Sylvester + Polednak, Ltd.

Date: 9-7-12

NV_5005(permfilepaper-mtn12-09).wpd

SYLVESTER & POLEDNAK, LTD.
 JEFFREY R. SYLVESTER, ESQ.
 Nevada Bar No. 4396
 MATTHEW T. KNEELAND, ESQ.
 Nevada Bar No. 11829
 1731 Village Center Circle
 Las Vegas, Nevada 89134
 Phone: (702) 952-5200
 Fax: (702) 952-5205
 Email: jeff@sylvesterpolednak.com
 Email: matthew@sylvesterpolednak.com
Attorneys for Debtor William Gayler

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re

WILLIAM A. GAYLER

Debtor.

JOHN D. O'BRIEN, AS TRUSTEE OF THE
 JOHN D. O'BRIEN PROFIT SHARING
 PLAN, DONALD CAMPBELL, COLBY
 WILLIAMS, MARIO P. BORINI,
 INDIVIDUALLY AND AS A CHAIRMAN
 OF THE BOARD OF TRUSTEES OF THE
 ALEXANDER DAWSON FOUNDATION,

Plaintiff,

v.

WILLIAM GAYLER,,

Defendant.

Case No. BK-S-09-31603-MKN
 Chapter 7

Adv. Pro. No. 11-01027-MKN

DECLARATION OF MATTHEW T. KNEELAND

I, MATTHEW T. KNEELAND, declare as follows

1. I am an attorney with the law firm of Sylvester & Polednak, Ltd., representing William Gayler in this matter and I have personal knowledge of the facts stated in this declaration, or if so stated, believe them to be true to the best of my knowledge, information and belief, and I am competent to testify as to the facts stated herein.

SYLVESTER & POLEDNAK, LTD.
 1731 Village Center Circle
 Las Vegas, Nevada 89134
 Phone (702) 952-5200

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1 2. On August 22, 2012, on behalf of Debtor/Defendant Mr. William A. Gayler, I caused
2 to be filed, in open court, with the Honorable Judge Thurman, the attached Motion for Judgment on
3 Partial Findings pursuant to Fed. R. Bank. P. 7052.

4 3. It is my understanding that Fed. R. Bank. P. 7052 contemplates both oral and written
5 motions for judgment made *during* trial, as opposed to being filed in the traditional sense through
6 the traditional filing system.

7 4. In this instance, the Motion was received and filed in open court *during* trial in this
8 matter, and oral argument proceeded immediately thereafter, whereupon Judge Thurman took the
9 Motion under advisement.

10 5. It was and is my understanding that, at that time, the Motion was deemed filed by
11 Judge Thurman and fully argued on the merits, and that Judge Thurman would render his decision
12 at a later time.

13 6. The Court later filed the Motion with the e-filing system *sua sponte*, apparently to
14 preserve the record.

15 7. Accordingly, exceptional circumstances exist to allow the Motion to be filed in paper
16 form.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on this 7th day of September, 2012.

19 
20 _____
21 MATTHEW T. KNEELAND
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Jeffrey R. Sylvester, Esq.
SYLVESTER & POLEDNAK, LTD
1731 Village Center Circle
Las Vegas, NV 89134

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
WILLIAM A. GAYLER

Case No. BK: BK-S-09-31603-MK

Adv. #: 11-01027-MKN

Chapter: 7

Debtor(s)

ORDER GRANTING PERMISSION TO FILE ON PAPER

The court hereby grants the motion filed by Gayler. The clerk of the bankruptcy court is hereby directed to accept on paper the following document(s) as identified in the movant's "Motion To File On Paper" (*list title of each document*):

Motion for Judgment on Partial Findings [Doc. 139]

No other documents may be filed on paper without first seeking permission from the court.

IT IS SO ORDERED.